

MHN

IN THE  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

MAY 29 2008

5-29-2008

MICHAEL W. BOBBINS  
CLERK, U.S. DISTRICT COURT

JAMES E. McROY

V.

COOK COUNTY, ILL.

CASE NO. 08C274

JUDGE CASTILLO

MOTION TO SHOW CAUSE

NOW COMES PLAINTIFF, JAMES E. McROY, PRO SE, AND MOVES THIS HONORABLE COURT WITH THIS MOTION TO SHOW GOOD CAUSE FOR CONTINUING COMPLAINT FILED OUTSIDE OF STATUTE OF LIMITATIONS, AND IN SUPPORT THEREOF PLAINTIFF STATES THE FOLLOWING.

1. PLAINTIFF'S SECTION 1983 COMPLAINT WAS DOCKETED ON JUNE 6, 2006, UNDER CASE NO. 06C3033.
2. PLAINTIFF'S COMPLAINT CONTAINED SEVERAL DISTINCT AND UNRELATED CLAIMS, (CASE NO. 06C3033, DOCUMENT 42, FILED APRIL 10, 2008).
3. THE COURT TWICE APPOINTED COUNSEL AND ALLOWED BOTH COUNSELS TO WITHDRAW. (ID).
4. ON NOVEMBER 19, 2007, ON THIS COURT'S OWN MOTION, GRANTED PLAINTIFF AN EXTENSION OF TIME TO FILE AN PRO SE AMENDED COMPLAINT, UNTIL JANUARY 25, 2008.
5. ON DECEMBER 6, 2007, PLAINTIFF, PRO SE FIRST AMENDED

COMPLAINT WAS DOCKETED.

6. ON APRIL 10, 2008, PLAINTIFF WAS GIVEN AN ADDITIONAL OPPORTUNITY TO SUBMIT AN ACCEPTABLE SECOND AMENDED COMPLAINT, UNDER CASE NO. 06C3033, DOCUMENT 42.

7. PLAINTIFF SECOND AMENDED COMPLAINT WAS FILED STAMPED RECEIVED ON MAY 8, 2008, FOR CASE NO. 06C3033.

8. HOWEVER, IN ADDITIONALLY THE COURT NOTED THAT PLAINTIFF'S SECTION 1983 COMPLAINT "MAY BE TOLLED WHILE PLAINTIFF SEEKS ADMINISTRATIVE REMEDIES FOR HIS CLAIM(S)", (CITING JOHNSON V. RIVERS, 272 F.3d 519, 522 (7TH CIR. 2000), CASE NO. 06C3033, DOCUMENT 42).

9. PLAINTIFF STATED IN HIS SECTION 1983 COMPLAINT NO. 08C2741, AT 51: "BECAUSE, UPON INFORMATION AND BELIEF PLAINTIFF McROY CLAIMS IN ILLINOIS 'MAY BE TOLLED WHILE HE SEEKS ADMINISTRATIVE REMEDIES' OF HIS CLAIM(S), IN WHICH THE CLAIM WAS WITHIN (HIS SECTION 1983 COMPLAINT), ALSO HIS FIRST AMENDED COMPLAINT, (CASE NO. 06C3033, AND DOCUMENT 42), OF THIS COURT.

10. PLAINTIFF FILED HIS SECTION 1983 COMPLAINT, CASE NO. 06C3033 WITHIN THE TWO YEARS STATUTE OF LIMITATIONS FOR A SECTION 1988 COMPLAINT, FILED OR DOCKETED ON JUNE 6, 2006, AND EVENTS TOOK PLACE JUNE 7, THROUGH JUNE 30, 2004, THE CLAIMS WERE PENDING UNDER ORDER DATED APRIL 10, 2008, DOCKET 42, AND FOR AN ADDITIONAL 30 DAYS, AND THIS CASE NO. 08C2741 WAS FILED MAY 12, 2008, ALSO WITHIN THE 30 DAYS, ALLOTTED.

3 of 3.

WHEREFORE, PLAINTIFF JAMES E. MCROY, PRAYS THIS HONORABLE COURT GRANTS THIS MOTION THAT SHOWS GOOD CAUSE WHY THE SUIT SHOULD NOT BE SUMMARILY DISMISSED FOR BEING TIME BARRED.

RESPECTFULLY SUBMITTED,  
James E. McRoy  
PROSE

AFFIDAVIT

I, JAMES E. MCROY, SWER UNDER PENALTY OF PERJURY THAT THE FACTS STATED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James E. McRoy  
JAMES E. MCROY  
ID# 80020032025  
DIVISION 9, UNIT 3D  
P.O. BOX 089002  
CHICAGO, IL 60608

EXECUTED ON MAY 21, 2008